

# Request for Qualifications/Proposals

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**Subject:** Legal Services

**Request for Qualifications/  
Proposals Issued:** Monday, March 15, 2021

Proposers are responsible for periodically visiting the Alamo Area Metropolitan Planning Organization's (MPO) website at [www.alamoareampo.org](http://www.alamoareampo.org) for any updated information.

**Deadline for Questions:** 5:00 p.m. (CDT), Wednesday, March 24, 2021

Questions will only be accepted in writing to Isidro "Sid" Martinez at [aampo@alamoareampo.org](mailto:aampo@alamoareampo.org). Responses will be posted on the MPO's website at [www.alamoareampo.org](http://www.alamoareampo.org) by 5:00 p.m., Friday, March 26, 2021.

**Proposal Due:** 12:00 noon (CDT), Friday, April 16, 2021

**Number of Copies:** One electronic document (pdf) less than 5 MB e-mailed to [aampo@alamoareampo.org](mailto:aampo@alamoareampo.org)

## **Purpose:**

The Alamo Area MPO is seeking a qualified firm or individual to serve as contract attorney to the agency. The individual or firm acting as agency attorney would be required to perform three legal counsel services: 1) legal services to review and/or prepare agreements and contracts necessary and reasonable to carry out the metropolitan planning process in accordance with 23 CFR 420.113, 2) interpretation of applicable federal, state and local laws, regulations and guidance necessary and reasonable to carry out the metropolitan planning process in accordance with 23 CFR 420.113, and 3) initial review and response to future litigation pertaining to the MPO's roles in the metropolitan transportation planning "3-C" process.

## **Background**

MPOs are created by federal law to provide a comprehensive, cooperative and continuous transportation planning process for urbanized areas with a population of 50,000 or greater.

The Alamo Area MPO's study area currently encompasses all of Bexar, Comal, and Guadalupe Counties and a portion of Kendall County.

The Alamo Area MPO is governed by a board of 21 elected and appointed voting members representing Bexar, Comal, and Guadalupe Counties as well as the Kendall County geographic area; the Cities of New Braunfels, San Antonio, and Seguin; 25 suburban cities in Bexar County through the Greater Bexar County Council of Cities and the Northeast Partnership; the Alamo Regional Mobility Authority; the Advanced Transportation District; Texas Department of Transportation and VIA Metropolitan Transit.

Additional information on the Alamo Area MPO's roles and responsibilities can be found at: [www.alamoareampo.org](http://www.alamoareampo.org).

### **Statement of Qualifications**

Please provide the following information:

1. Name of firm and year organized (include address and telephone number).
2. Provide a list of Principals in the firm, including a biographical sketch of each. Include education, years of applicable legal experience, and any areas of specialty.
3. Provide the name and direct contact information of the principal (and back-up individual) in the firm who will have responsibility for the Alamo Area MPO's dealings with the firm.
4. Provide a list of attorneys who will provide service to the Alamo Area MPO. Include a description of these attorneys' education, years of applicable legal experience and any areas of specialty.
5. Provide a list of current quasi-governmental clients, a contact person for each, and a telephone number and e-mail address for the contact person.
6. Provide information regarding the number of quasi-governmental court cases actually tried to verdict or judgment during the past five years. This data should be provided for the firm, and for each attorney in the firm that will provide a significant level of service to the Alamo Area MPO. Information should also include the percentage of these cases "won".
7. Please list any clients that you currently represent that could cause a conflict of interest with your responsibilities with the Alamo Area MPO. Describe how you would be willing to resolve these or any future conflicts of interest.

## **Selection Procedure**

From the responses received, the Executive Committee of the Alamo Area MPO's Transportation Policy Board may short list firm(s) or individual(s) for interviews. The firm(s) or individual(s) may be requested to interview with the Transportation Policy Board at the Transportation Policy Board meeting tentatively scheduled for Monday, May 24, 2021 or at another time as directed by the MPO's Executive Committee. Action is expected to be taken on the contract award at the Monday, May 24, 2021 Transportation Policy Board meeting.

## **Duration of Contract**

This contract will cover the time period from the notice to proceed through September 30, 2026.

## **Disadvantaged Business Enterprise Participation**

Based on the project's Federal funding, type of work, location, overall and item cost estimate values, subcontracting opportunities, certified DBE firms in vicinity of the project location, and size of the project, the Texas Department of Transportation has assigned a race-conscious DBE goal of **Zero percent (0.0%)** for this project proposal.

TxDOT has encouraged race-neutral DBE participation in this study.

## **Compliance with Federal Regulations**

The Proposer's attention is called to the fact that this contract is subject to a financial assistance contract between the Alamo Area MPO and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the US Department of Transportation (USDOT) and the Texas Department of Transportation (TxDOT). The contract to be let, therefore, is subject to the terms of the contract between the Alamo Area MPO, USDOT and TxDOT. In addition to other provisions of the RFQ/P the successful Proposer will be required to comply with, in addition to other provisions of the Request for Proposal, the conditions required by all applicable Federal and State regulations, including the following:

1. Equal Employment Opportunity - Successful Proposer will be required to comply with all applicable Equal Employment Opportunity Laws and Regulations.
2. Title VI Assurances - Successful Proposer will be required to comply with all requirements imposed by Title VI of the Civil Rights Act of 1964 (49 U.S.C. Section 2000d), the Regulations of DOT issued thereunder (49 C.F.R. part 21), and assurances by the MPO thereto.
3. The MPO, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal

Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

### **Scope of Services**

In order to be considered, proposals must address each of the requests for information included in this document. In addition, information regarding rates and fees must be submitted on the sheet included in this request for proposals (Attachment A). The scope of services for which fees and rates are requested is divided into three categories as shown below. The selected firm or individual will be required to provide a detailed, itemized billing for each category, on a monthly basis.

- I. Legal Services to review and/or prepare agreements and contracts necessary and reasonable to carry out the metropolitan planning process per 23 CFR 420.113. General Representation**
- II. Interpretation of applicable federal, state and local laws, regulations and guidance necessary and reasonable to carry out the metropolitan planning process per 23 CFR 420.113.**
- III. Initial review and response to future litigation pertaining to the MPO's roles in the metropolitan transportation planning "3-C" process.**

Note: Federal Highway Administration/Federal Transit Administration approval for legal counsel services beyond those noted above, to be reimbursed with Federal-aid metropolitan planning funds, will need to be obtained through the Texas Department of Transportation, prior to those costs being incurred.

**Attachment A: Alamo Area Metropolitan Planning Organization**

**Proposed Fees  
Attorney Services**

The following rates are proposed for attorney services to the Alamo Area Metropolitan Planning organization by the individual or firm:

I. Legal services to review and/or prepare agreements and contracts necessary and reasonable to carry out the metropolitan planning process per 23 CFR 420.113.

Hourly Rate (Principal) \$ \_\_\_\_\_

Hourly Rate (Associate) \$ \_\_\_\_\_

II. Interpretation of applicable federal, state and local laws, regulations and guidance necessary and reasonable to carry out the metropolitan planning process per 23 CFR 420.113.

Hourly Rate (Principal) \$ \_\_\_\_\_

Hourly Rate (Associate) \$ \_\_\_\_\_

III. Initial review and response to future litigation pertaining to the MPO's roles in the metropolitan transportation planning "3-C" process.

Preparation Time – Hourly Rate \$ \_\_\_\_\_

Court Room Time – Hourly Rate \$ \_\_\_\_\_

I, \_\_\_\_\_ acting on behalf of the firm of \_\_\_\_\_ certify that I have reviewed and fully understand the Alamo Area Metropolitan Planning Organization's Request for Proposals for attorney services. I further certify and swear that the information submitted in response to the request for Proposals is true, correct and fully shows all information to be reported.

By: \_\_\_\_\_

State of Texas )

)

County of \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_

Date

by \_\_\_\_\_

Name(s) of signer(s)

\_\_\_\_\_  
Signature of Notary

(Seal of Notary)

## Lower Tier Participant Debarment Certification (Negotiated Contracts)

\_\_\_\_\_, being duly  
(insert name of certifying official)  
sworn or penalty of perjury under the laws of the United States, certifies  
that neither \_\_\_\_\_, nor  
(insert name of lower tier participant)

its principals are presently:

- debarred, suspended, proposed for debarment,
- declared ineligible,
- or voluntarily excluded from participation in this transaction by any Federal department or agency.

Where the above identified lower tier participant is unable to certify to any of the above statements in this certification, such prospective participant shall indicate below to whom the exception applies, the initiating agency, and dates of action.

Exceptions will not necessarily result in denial of award, but will be considered in determining contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

### EXCEPTIONS:

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date of Certification

See Reverse for Information

## **Certification Information**

**This certification is to be used by contractors pursuant to 49 CFR 29 when any of the following occur:**

- **any transaction between the contractor and a person (other than a procurement contract for goods and services), regardless of type, under a primary covered transaction**
- **any procurement contract for goods or services when the estimated cost is \$25,000 or more**
- **any procurement contract for goods or services between the contractor and a person, regardless of the amount, under which the person will have a critical influence on or substantive control over that covered transaction. Such persons include principal investigators and providers of federally-required audit services.**

**A *procurement* transaction is the process of acquiring goods and services.**

**A *nonprocurement* transaction is the granting of financial assistance to entities to assist the grantor in meeting objectives that are mutually beneficial to the grantee and grantor.**

**A COPY OF THIS CERTIFICATION IS TO BE FURNISHED TO AUTHORIZED REPRESENTATIVES OF THE STATE OR THE U.S. DEPARTMENT OF TRANSPORTATION UPON REQUEST.**

## **Former MPO Official and Employee Restriction (Negotiated Contracts)**

I, \_\_\_\_\_, certify that for a period of one year from the date of termination of official duties, no former member of the

- Alamo Area Metropolitan Planning Organization staff,
- Transportation Policy Board,
- Technical Advisory Committee, or
- his or her parent, child or spouse

with a financial interest will serve on the staff of the consultant team as an employee of the prime contractor, or subcontractor, for this contract.

Financial interest is defined as having a business entity in which the former Transportation Policy Board member, Technical Advisory Committee member and MPO employee, or his or her parent, child or spouse, directly or indirectly owns:

- (A) ten (10) percent or more of the voting stock or shares of the business entity, or
- (B) ten (10) percent or more of the fair market value of the business entity.

Any violation of this policy, with the knowledge, expressed or implied, of the individual or business entity contracting with the MPO shall render the proposal or contract involved voidable by the Executive Director or the Transportation Policy Board.

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**Signature of Certifying Official**

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**Title**

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**Date of Certification**